

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AMERICA FOREST HOLDINGS,
LLC, a Wyoming limited liability
company; AMERICAN FOREST
LAND COMPANY, LLC, a Wyoming
limited liability company; JOHN R.
RUDEY and LAURIE G. RUDEY,
husband and wife and residents of New
York; COPPER BEECH FARM, LLC,
a Wyoming limited liability company;
COPPER BEECH FARM, INC., a
Wyoming corporation,

Plaintiffs,

v.

BANK OF AMERICA NA, a foreign
corporation,

Defendant.

NO: CV-10-3044-RMP

ORDER DENYING AS MOOT
DEFENDANT'S FIRST MOTION TO
DISMISS

This case was filed in Kittitas County Superior Court and removed to federal
court before Judge Edward Shea (Ct. Rec. 1). Defendant filed a Motion to Dismiss
Plaintiffs' original complaint (Ct. Rec. 4). Subsequent to Defendants filing the
first Motion to Dismiss, this case was transferred to this Court, and Plaintiffs filed

ORDER DENYING AS MOOT DEFENDANT'S FIRST MOTION TO DISMISS ~1

1 a first amended complaint (Ct. Rec. 19). Defendant subsequently filed a second
2 Motion to Dismiss based on Plaintiffs' First Amended Complaint (Ct. Rec. 23).

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4 After reviewing the record and pleadings in this matter, the Court finds that
5 Defendant's second Motion to Dismiss, which addresses Plaintiffs' first amended
6 complaint, supersedes the first Motion to Dismiss, which addressed the original
7
8 complaint. Accordingly,

9 **IT IS HEREBY ORDERED** that Defendant's first motion to dismiss (Ct.
10 **Rec. 4)** is **DENIED AS MOOT**.
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12 The District Court Executive is hereby directed to enter this Order and
13 provide copies to counsel.
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15 **DATED** this 24th day of November, 2010.
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17

18 s/ Rosanna Malouf Peterson
19 ROSANNA MALOUF PETERSON
20 United States District Court Judge
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